

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1307/96

Date of Order : 26.8.98

BETWEEN :

P.Rajendran

.. Applicant.

AND

1. The General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.

2. The Dy.Chief Mechanical
Engineer, S.C.Rly.,
Carriage Repair Shop,
Tirupathi.

3. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam.
Secunderabad.

4. G.Mahimadass

5. R.Padmanabhan

6. N.Rajamani

7. R.Sreedharan

8. P.Joseph.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Sridhar Reddy

Counsel for the Respondents

.. Mr.D.F.Paul

CORAM :

HON'BLE SHRI R.RAGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

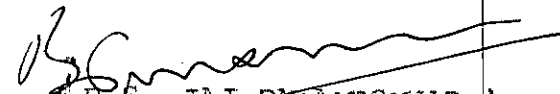
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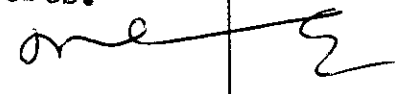
much later and they were working on 12.5.88 in this shop. Hence the respondents upheld the status of the applicant in the provisional seniority list which was published on 1.8.95.

3. Aggrieved by the above reply the applicant has filed this OA for setting aside the impugned order No.TR/P.612/ART/Vol.IV dated 18.3.96 in so far it includes the name of the applicant at Sl.No.17 ~~inspite~~ ^{instead} of at Sl.No.5 and the communication No.TR/P.612/ART/Vol.IV dated 6.9.95 (96) issued by the Deputy Chief Mechanical Engineer CRS, Tirupathirejecting his representation dated 20.8.96 by holding them as illegal and arbitrary.

4. It is a fact that direct recruitees at Sl.Nos. 5, 6, 9, 10, 13 and 14 were present physically on duty as on 12.5.88. Hence their names cannot be deleted from the seniority list issued on that date in pursuance of the direction in OA.219/92. Many events could have taken place later. The direct recruitees in Sl.Nos. 5, 6, 9, 10, 13 and 14 could have been transferred to ICF. But that will not be a reason to delete their names from the seniority list issued as on 1.8.95 and include the name of the applicant at S l.No.5 against the direct recruitee ^{who} left for ICF much later than 12.5.88. The above is a settled principle. Hence we are of the opinion that the respondents have issued the reply dated 6.9.95/96 to his representation dated 20.8.96 in accordance with the law and hence that order cannot be challenged.

5. In view of what is stated above we find no merit in this OA. Hence the OA is dismissed. No costs.

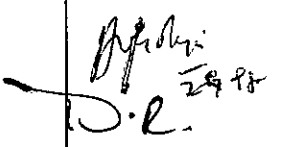

(B.S. JAI PARAMESWAR)
Member (Judl.)
26.8.98


(R. RANGANATHAN)
Member (Adm.)

Dated : 26th August, 1998

(Dictated in Open Court)

sd


D.L. 24/8

DA.1307/96

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Dy.Chief Mechanical Engineer, South Central Railway, Carriage Repair Shop, Tirupathi.
3. The Chief Personnel Officer, S.C.Rly., Rail Nilayam, Sec'bad.
4. One copy to Mr. P.Sridhar Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. D.F.Paul, SC for Rlys, CAT., Hyd.
6. One copy to DrB.(A), CAT., Hyd.
7. One duplicate copy.

srr

14/9/98 (7)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M(J)

DATED:

26/8/98

~~ORDER/JUDGMENT~~

~~M.A/R.A/C.P.NO.~~

in

C.A. NO.

1307/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

11 SEP 1998

Hyderabad न्यायपीठ
HYDERABAD BENCH